

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,044

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for general assistance (GA). The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her daughter in a mobile home that she owns on a rented lot. The petitioner is employed. Her gross income is about \$1,200.00 a month, and her takehome about \$1,030.00. The petitioner's monthly expenses exceed her income, and she is behind on several of her bills, including her mortgage payments on her home.

On November 13, the petitioner applied for GA to try to catch up on some of her bills. The petitioner admits that although she is behind on several of her bills, at present she is not threatened with the imminent loss of her home or an essential utility, and, fortunately, neither she nor her daughter is facing any medical emergency. The petitioner's problem, not unlike many other people with similar limited incomes, is that she simply doesn't make enough money to pay all her bills each month.

In spite of the above, the petitioner does not dispute that her income, however limited, is several hundred dollars more per month than she would be receiving if she were on ANFC and receiving the maximum benefits payable under that program (about \$550 a month--see W.A.M. § 2245).

ORDER

The Department's decision is affirmed.

REASONS

The GA regulations, at W.A.M. § 2600C, provide that applicants with minor children are eligible for GA only if their income in the last 30 days is "below the applicable ANFC payment level for that size

household in similar living arrangements" unless the applicant is facing a "catastrophic situation" as defined by W.A.M. § 2602--i.e., is facing a court-ordered or constructive eviction, a natural disaster, a death in the family, or an emergency medical need. As noted above, the petitioner's income is well in excess of the ANFC payment standard and the petitioner is not facing a catastrophic situation as defined in the regulations.

At the hearing in this matter, the hearing officer and the Department explained to the petitioner that she can reapply for benefits if her income decreases or if she is faced with a household emergency such as loss of housing or heat. As it now stands, however, the petitioner is not eligible for GA, and the Department's decision must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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